

REMARKS

Summary of the Office Action

The title of the invention is allegedly not descriptive.

Claim 2 is objected to because of alleged informalities.

Claims 1, 4, 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 9 and 10 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 1, 2, 4, 5, 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Arai et al. (U.S. 2006/0066970) (hereinafter "Arai").

Claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of Suito et al. (U.S. Patent No. 6,925,340) (hereinafter "Suito").

Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai.

Summary of the Response to the Office Action

Applicant has amended the title. Applicant has amended claims 1, 2, 4, 5, 7, 9 and 11 and added new claims 13, 14 and 15 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Applicant has also canceled claims 8, 10 and 12 without prejudice or disclaimer. Accordingly, claims 1-7, 9, 11 and 13-15 remain pending for consideration.

Objection to the Title

The Office Action alleges that the title of the invention is “not descriptive”. Accordingly, a new title is required. In accordance with this requirement, Applicant has amended the title to read “METHOD AND APPARATUS FOR RECORDING AND REPRODUCING INFORMATION UTILIZING A SELECTION COMMAND THAT SELECTS RECORDED INFORMATION.” Withdrawal of the objection and associated requirement for a new title is thus respectfully requested.

Claim Objection

Claim 2 is objected to because of alleged informalities. Applicant has amended claim 2 in accordance with the Examiner’s helpful suggestion at page 2 of the Office Action. In addition, a similar amendment has also been made to claim 5, even though claim 5 is not objected to. Withdrawal of the objection to claim 2 is thus respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1, 4, 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has canceled claim 8 without prejudice or disclaimer, rendering the rejection of this claim moot. Applicant has amended claims 1, 4 and 7 in light of the Examiner’s comments at page 2 of the Office Action. Applicant respectfully submits that claims 1, 4 and 7, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection under 35 U.S.C. § 101

Claims 9 and 10 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant has canceled claim 10 without prejudice or disclaimer, rendering the rejection of this claim moot. Applicant has amended claim 9 in light of the Examiner's comments at page 3 of the Office Action. Applicant respectfully submits that claim 9, as amended, fully complies with the requirements of 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 101 be withdrawn.

Rejection under 35 U.S.C. § 102(e) and 103(a)

Claims 1, 2, 4, 5, 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Arai. Claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of Suito. Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai. Applicant has canceled claims 8, 10 and 12 without prejudice or disclaimer, rendering the rejection of these claims moot.

Applicant has amended claims 1, 2, 4, 5, 7, 9 and 11 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicant respectfully submits that embodiments of the disclosure of the instant application, as described in the newly-amended independent claims, are entirely different from the disclosure of Arai at least in that Arai fails to teach, or even suggest, how to control the

reading device, first recording device, output device and second recording device in the manner described in the claims.

Each of independent claims 1, 4, 7, 9 and 11 of the instant application describes aspects of the disclosure of the instant application with regard to controlling,

“in cases where the output device is in operation for outputting the information and the second recording device is in operation for recording the information therein (refer to 1:36-2:48 in Fig. 2), respond to the selection command (refer to column D1 in Fig. 2) by controlling

(i) the reading device so as to read from the recording medium the information consisting of the newly selected information (refer to 0:00-0:40 for the second music in column A in Fig.2) and halfway recorded information subjected to recording in the second recording device at a time when the selection command is issued (refer to for example 2:48-4:24 for the first music in column A in Fig. 2),

(ii) the newly selected information read by the reading device such that the newly selected information is written into the first recording device (refer to columns D2 and A in Fig. 2),

(iii) the newly selected information written in the first recording device such that the newly selected information is read out and outputted via the output device (refer to column D1 in Fig. 2), and

(iv) the halfway recorded information read by the reading device such that the halfway recorded information is recorded into the second recording device so as to keep recording positions of the halfway recorded information in the second recording device continuous before and after the issuance of the selection command (refer to for example 1:36-2:48 to 2:48-4:24 for the first music in column D3 in Fig. 2).”

As a result of these advantageous features, a user is able to select, select all pieces of information recorded on the recording medium, information (newly selected information, for example, the second music "B") which is different from the currently outputted (i.e., reproduced) information via the output device, during a situation where information is now subjected to both output (reproduction from speakers) and recording in the second recording medium (for example, hard disk 10) (see the first music "A" in Fig. 2). In this case, as a result of the controller included in embodiments of the disclosure of the instant application, the newly selected information written in the first recording device is read out and outputted via the output device. Concurrently, the halfway recorded information read by the reading device is recorded into the second recording device so as to keep recording positions of the halfway recorded information in the second recording device continuous before and after the issuance of the selection command. This is illustrated in Fig. 2, for example, as a sequential connection of recording positions of 1:36 to 1:36, 2:48 to 2:48, and 4:24 to 4:24 in column D3.

As a result, Applicant respectfully submits that in a case where *"in cases where the output device is in operation for outputting the information and the second recording device is in operation for recording the information therein,"* an operator can select any information for output (for example, reproduction) thereof, without interrupting or stopping the recording work of the previous information (the first music "A") into the second recording medium. Accordingly, Applicant respectfully submits that the object of the present invention is realized. See, for example, page 2, lines 4-10 of the instant application's specification.

Meanwhile, Applicant respectfully submits that the applied Arai reference discloses how to conduct reproduction and recording of the same information in a parallel manner. However,

Arai is entirely silent about the instant application's claimed features of the control responding to the selection command for selecting different pieces of information, with the former (previous) information still recorded continuously in the recording positions thereof. See, for example, paragraph [0013]. Suito does not cure the above-discussed deficiencies of Arai.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because neither Arai nor Suito, whether taken singly or combined, teach or suggest each feature of independent claim 1, 4, 7, 9 or 11, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that the dependent claims are allowable at least because of their dependence from newly-amended independent claim 1 or 4, and the reasons set forth above.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this

response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

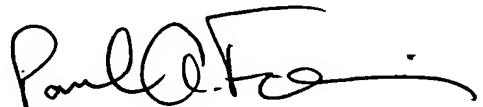
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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By:


Paul A. Fournier
Reg. No. 41,023

Customer No. 055694
Drinker Biddle & Reath LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465